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POND, ROBERT M				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/988,672

Applicant(s)

HONG, YOUNG-JIN

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Applicant amended claims 1, 9 and 13 and newly added claim 21. All pending claims 1-21 were examined in this final office action necessitated by amendment.

Response to Arguments

Applicant's arguments filed 04 June 2008 have been fully considered but they are not persuasive. Hunter in light of KSR rationale renders the claimed invention obvious. Hunter provides a telephone commerce system, follow-up with information as a result of a request for product information, hang-up process with call-back, user-supplied password. Hunter's system permits password changes which is sufficient to address the issue of temporary. Independent claims fail to further treat "temporary" with positively recited claim language so as to distinguish from Hunter. Hunter in combination with Labaton teach and suggest one-time password generation and use. The office action was reorganized to clarify Hunter.

The Applicant is reminded that twice rejected claims are eligible for appeal. The Examiner is willing take an after final interview should the Applicant consider a change in subject matter direction to distinguish over the cited prior.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-8, 13, and 14 are rejected under 35 USC 103(a) as being unpatentable over Hunter (Paper #2008880128, US 6,850,901).

Hunter teaches a central system and methods of providing an on-line shopping service that represents multiple participating merchants who offer their products through the system to a plurality of remote customers. Customers order one or more products by telephone by accessing the central system that processes and routes a complete product order to the appropriate participating merchant. See at least abstract; Fig. 1; col. 1-col. 4; col. 5, lines 14-col. 6, line 22.

Requesting Product Information

Hunter provides multiple embodiments based on a core set of central system structures as shown in at least Figs. 1-5. Figure 3 depicts the central system being used to retrieve product information requested by a customer making a call using either cellular or plain old telephone system (POT) systems and receiving the requested product information via POTS/voice from the central system or directly from the selected merchant. Hunter's product information requests (i.e. Applicant's purchasing conditions) convey at least product description, pricing and merchant information. See at least Fig. 1A; col. 8, lines 30-36.

Figure 2 depicts the central system receiving order requests from callers either establishing a customer information set (Fig. 2 (24, 40, 50, 60, 70) or having an existing customer information set (Fig. 2 (24, 40, 50, 70)). Once the caller makes the request, the caller can simply hang up or wait for confirmation. See at least col. 7, line 16. Figure 3 further depicts support for establishing the caller as a new customer and support for updating the customer record which implies the information set for a customer can change. For example, the customer-supplied personal identification number may change, or preferred shipping methods may change, or product preferences, etc. See at least Fig. 3 (60, 70); col. 7, lines 19-54. For examination purposes, the scenario relied upon as depicted by Figure 3 and supporting teachings is a caller making a product information request, establishing a PIN (i.e. password) with other identifying information and preferences, and receiving the requested product information from the central system via POTS/voice via a communication separate from the originating call. See Fig. 3 (24, 40, 50, 60, 70, and 150 back to 24). Figure 3 further depicts the central system transferring customer information and product/merchant ID information by the product order placement module to the merchant (Fig. 3 (150, 100)). Figure 4 provides a variation of Figure 3 in that the central system processes the caller's product information request the same as a product order (see below for further discussion pertaining to making a purchase request) so that the appropriate merchant can follow-up as appropriate with the

caller making the request. Note: follow-up separate from the originating call. See Fig. 4 (100A); col. 8, lines 47-67.

Making a Purchase

Figures 2, 5 and 6 depict the central system processing a product purchase request based upon receiving product information input by the caller conveying merchant, price and product description. Processing by the central system includes billing and fulfillment. See at least col. 8, lines 17-29; col. 9, lines 1-41.

Hunter further teaches and suggests:

- Regarding claim 1 (a). *(a) receiving a temporary password and purchasing conditions from a user through a telephone connection*; Figure 2 depicts the central system receiving order requests from callers either establishing a customer information set (Fig. 2 (24, 40, 50, 60, 70) or having an existing customer information set (Fig. 2 (24, 40, 50, 70). Once the caller makes the request, the caller can simply hang up or wait for confirmation. See at least col. 7, line 16. Hunter further teaches first-time users may provide identifying information including by not limited to a personal identification number (PIN) and voice ID. See at least col. 6, lines 23-26. Figure 3 illustrates automatic order processing that permits customers to not only order products but also order (usually free) information about products and transmit product information by email, or POTS/voice. See at least Fig 3; col. 8, lines 30-46. Figure 3 further depicts support for establishing the caller as a new customer and support for updating the

customer record which implies the information set for a customer can change. For example, the customer-supplied personal identification number may change, or preferred shipping methods may change, or product preferences, etc. See at least Fig. 3 (60, 70); col. 7, lines 19-54.

- Regarding claim 1 (b). Figure 4 provides a variation of Figure 3 in that the central system processes the caller's product information request the same as a product order (see below for further discussion pertaining to making a purchase request) so that the appropriate merchant can follow-up as appropriate with the caller making the request. Note: follow-up separate from the originating call. See Fig. 4 (100A); col. 8, lines 47-67. Hunter teaches and suggests all the above as noted under the 103(a) rejection and further teaches and suggest a customer entering a password (e.g. PIN), requesting product information and receiving product information as follow-up from a merchant or the central system retrieving product information separate from the originating call via email or POTS/voice. It would have been obvious to try, by one of ordinary skill in the art at time the invention was made, (b) retrieving article information by the on-line shopping service meeting the purchasing conditions received in step (a), after ending the telephone connection and incorporate it into the system of Hunter since there are a finite number of identified, predictable potential solutions to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a

reasonable expectation of success. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.* Hunter further teaches and suggests:

- Regarding claim 1. (c) after performing step (b) re-establishing a telephone connection to the user using the user's originator telephone number call for information, customer supplies a telephone number used by POTS/Voice return call from system or call number ID (see at least col. 7, lines 29-59), and confirming the user using the temporary password received in step (a); a caller using the purchasing features as noted above has his/her identity confirmed using a PIN (i.e. password) alone or in combination. See at least col. 6, line 58-col. 7, line 2.
- Regarding claim 1. and (d) after re-establishing the connection and confirming the user, providing the article information retrieved in step (b), requested product information is retrieved and transmitted to the caller using the caller's preferred method (e.g. POTS/voice) (see at least col. 8, lines 35-46), and arranging a transaction according to the user's selection. Rejection is based on the rationale as noted above pertaining as taught and suggested by Hunter pertaining to "Making a Purchase."
- Regarding claim 2. wherein step (a) comprises the steps of: (a1) receiving the originator telephone number of the user performing

access through a telephone; caller supplies the phone number during the call or the central system uses call number ID. See at least col. 6, lines 39-59.

(a2) requesting the user to create the temporary password and receiving the temporary password from the user; col. 6, line 65; col. 7, lines 52-51.

(a3) and requesting the user to input the purchasing conditions and receiving the purchasing conditions including at least article name and price information. caller inputs product code. See at least col. 5, lines

- Regarding claim 3. wherein in step (a1), the originator telephone number is automatically transmitted during telephone connection. caller supplies the phone number during the call or system uses call number ID. See at least col. 6, lines 39-59.
- Regarding claim 4. method of claim 2, wherein step (a) further comprises the step of (a4) outputting the purchasing conditions received in step (a3) in the form of speech using a technique of outputting text in the form of speech to confirm the purchasing conditions. Caller receives an automated voice confirmation. See at least col. 9, lines 17-29.
- Regarding claim 5. wherein step (c) comprises the steps of: (c1) establishing a setting telephone connection to the user using the originator telephone number; as previously cited.

(c2) requesting the user to input a temporary password to confirm the user's identity and receiving the temporary password from the user;
and (c3) comparing the temporary password received in step (a) with the temporary password received in step (c2) to confirm the user.

While it is preferred to utilize customer identification employing call no. ID technology, voice recognition technology or other technologies that operate independent of information input by the customer in response to a prompt, other identification means may be used, for example, where the customer is automatically prompted to provide information such as credit card number, social security number, date of birth, personal identification number PIN, or the like, alone or in combination, and the provided information is compared against information previously established in the customer database to verify the identity of the customer placing the call. See at least col. 6, lines 58-col. 7, line 7.

- Regarding claim 6. wherein step (d) comprises the steps of:
(d1) providing the article information retrieved in step (b) to the user through a telephone; POTS/voice delivery of requested product information as previously cited.
(d2) requesting the user to select a seller from the article information provided in step (d1) and receiving seller information selected by the user; places order through the system as previously cited.

(d3) and confirming content received in step (d2). caller receives an automated voice confirmation. See at least col. 7, lines 8-22; col. 9, lines 17-29. and arranging a transaction. arranging a transaction is a demonstrated objective of the system as previously cited.

- Regarding claim 7. method of claim 6, wherein in step (d1), the article information retrieved in step (b) is output in the form of speech using a technique of outputting text in the form of speech. Caller receives an automated voice confirmation. See at least col. 7, lines 8-22; col. 9, lines 17-29.
- Regarding claim 8. method of claim 6, wherein step (d) further comprises the step of (d4) providing the details of the transaction arranged in step (d3) to the seller selected by the user. system processes the order and passes to the selected merchant for fulfillment. See at least Fig. 3 (50; 100); col. 8, lines 30-67.
- Regarding claims 13 and 14. Rejections are based on the teachings and rationales as noted above.

2. Claims 9-12 and 15-20 are rejected under 35 USC 103(a) as being unpatentable over Hunter ((Paper #2008880128, US 6,850,901) in view of Whigham ((Paper #2008880128, US 6,584,309).

- Regarding claims 9 and 15, Hunter teaches and suggests all the above as noted under the 103(a) rejection and teaches and suggests i) the

customer making either a cellular or POTS call to a purchasing system to make a purchase over the phone, ii) the purchasing system billing the customer making a purchase via a credit card system and iii) arranging the transaction according to the user's selection. Although Hunter does not mention requesting a telephone company billing server to bill a purchase charge as a telephone charge, Whigham on the other hand teaches a product purchasing system whereby a customer using a cellular telephone to purchase a product is billed by the product provider, a credit card company, a bank or the telephone company that provides the cellular telephone service. See at least abstract; Fig. 1; col. 2, lines 33-53. One of ordinary skill in the art at time the invention was made would have recognized that applying the known technique of Whigham would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Whigham to the teachings of Hunter would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

- Regarding claims 10-12 and 16-20. Rejections are based on the same rationale as noted above as applied to claims 9 and 15.

3. Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Hunter ((Paper #2008880128, US 6,850,901) in view of Labaton (US 6,957,185).

Hunter teaches and suggests all the above as noted under the 103(a) rejection and i) a customer creating a PIN that can be updated (note: a temporary password) and ii) telephone commerce. Although Hunter does not mention the password is valid for a single transaction, Labaton on the other hand teaches telephone commerce and the use of one-time passwords for a transaction. See at least abstract; col. 4, lines 9-34; col. 13, line 62-col. 14, line 24. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Labaton of implementing one-time use passwords for transactions would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Labaton to the teachings of Hunter would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
October 14, 2008